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**APPLICATION GRANTED
SO ORDERED**

March 18, 2025

VIA ECF

3/19/25 
John G. Koeltl, U.S.D.J.

The Honorable John G. Koeltl
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Courtroom 14A
New York, NY 10007-1312

Re: *Roth v. Deutsche Telekom AG, et al.*, Civil Action No. 25-cv-01137
Joint Letter Motion Requesting Stay of Action

Dear Judge Koeltl:

Plaintiff Andrew E. Roth, Nominal Defendant T-Mobile US, Inc., and Defendants Deutsche Telekom AG and Deutsche Telekom Holding B.V. (collectively, the “Parties”) jointly move to stay this case pending the final disposition of the appeals currently pending before the Second Circuit in the actions entitled *Roth v. LAL Family Corporation, et al.*, Case No. 24-2464 (2d Cir.) (“*LAL Appeal*”) and *Roth v. Drahi, et al.*, Case No. 24-2761 (2d. Cir.) (“*Drahi Appeal*” together with the *LAL Appeal*, the “Appeals”), including any appeal of the Second Circuit decisions in the *LAL* and *Drahi* actions to the U.S. Supreme Court. The Appeals have been assigned to the Second Circuit’s Expedited Appeals Calendar. (*LAL Appeal* at DktEntry 18.1; *Drahi Appeal* at DktEntry 19.1.)

A district court has “broad discretion to stay proceedings as an incident to its power to control its docket.” *Clinton v. Jones*, 520 U.S. 681, 706 (1997). A district court deciding a motion to stay should consider the interests of each party, the interests of the courts, the interests of non-parties, and the public interest. *See Royal Park Ivs. SA/NV v. Deutsche Bank Nat’l Tr. Co.*, 2018 WL 3849840, at *2 (S.D.N.Y. Aug. 10, 2018). These factors weigh in favor of a stay here.

The principal questions presented as articulated by the appellants in their briefs in both Appeals are (1) whether an issuer’s share repurchases can be attributed to an issuer’s controlling stockholders for purposes of Section 16(b) of the Securities Exchange Act of 1934, 15 U.S.C. § 78p(b) and (2) whether a controlling stockholder has an indirect pecuniary interest in an issuer’s share repurchases under SEC Rule 16a-1(a)(2), 17 CFR § 240.16a-1(a)(2). *See, e.g., LAL Appeal*, Brief for Plaintiff-Appellant, pp. 3-5 (DktEntry 21.1); *Drahi Appeal*, Brief for Plaintiff-Appellant, pp. 3-5 (DktEntry 34.1). The resolution of these questions is relevant to this Action, which is based on the same underlying theory—*i.e.*, that stock sales by statutory “insiders” can be matched with an issuer’s repurchase of its own stock under Section 16(b). *See, e.g., Complaint* ¶¶ 16-17 (SDNY ECF No. 1). Oral argument in both Appeals took place on March 6, 2025, with the Second Circuit taking the argument under advisement. The Parties believe that staying this Action pending the final disposition of the Appeals will be in the interests of the Parties and will conserve this Court’s

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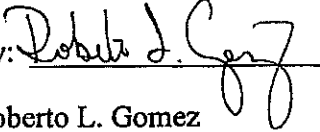
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judicial resources. A stay will not prejudice any party or non-party, nor will the stay interfere with any current Court-issued deadlines.

Accordingly, the Parties respectfully request that this Court grant this joint request for a stay. The Parties propose that they will submit a schedule for any answer, motion to dismiss, or other response to the Complaint within thirty (30) days following the final disposition of the *LAL* Appeal and the *Drahi* Appeal, whichever is later. For avoidance of doubt, Defendants shall not be required to answer, move to dismiss, or otherwise respond to the Complaint during the pendency of the stay. Defendants have agreed to accept service of the Summons and Complaint effective as of the date of this letter motion.

Respectfully submitted,

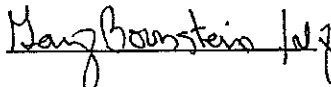
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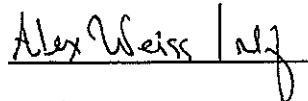
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